



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/287,478 04/06/99 RODE

C RCI001V1

EXAMINER

TM02/0925

RODE CONSULTING INC
2412 STEARNS HILL ROAD
WALTHAM MA 02451

PHAN, T

ART UNIT

PAPER NUMBER

2123

DATE MAILED:

09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/287,478

Applicant(s)

Christian, et al.

Examiner

Thai Phan

Art Unit

2123



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

DETAILED ACTION

This Office action is responsive to patent application S/N: 09/287,478. Claims 1-10 are pending in this official action.

Specification

1. The content of specification, especially, books/references titles printed on page 2 of the present application is objected to because it fails to provide a description of the related books, references, publications known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention, and such technical materials are also unavailable for examiner consideration.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7 and is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As cited "the number of simulation performed (0)" in claim 7, lines 5-6 is unclear. What is mean for "the number of simulation performed (0)"? Claim 7 also requires time stamp and simulation counts but does not provide processing steps and information for carrying out time stamp and simulation counts. In other words, what the time stamp and simulation counts used for

what process, how they are performed, in what process they are applied to, etc. Clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Huben et al., patent no. 5,959,201.

As per claim 1, Van Huben anticipated method and system for computerized design automatization using internet network for transmitting design or simulation data identical to the claimed invention (Abstract, "Summary of the Invention"). According to Van Huben, the design simulation and verification method includes steps of creating a transmission network including clients, servers, etc., wherein network clients carrying unique identifier as addressing as example, transmitting structure design data, accepting data from at least one client, merging form data with other data including template data for concurrent processing, processing merged data for output, simulating functional design with merged data using user interactive window program, and transmitting design simulation data to client as claimed (col. 9, line 53 to col. 11, line 55, col. 16, line 33 to col. 18, line 64, col. 20, line 27 to col. 22, line 65, cols. 33, 44-45, 51, 85-88).

As per claim 2, Van Huben also required some of steps in claim 1 being repeated for design changes or for a new design.

As per claim 3, Van Huben disclosed various user interface implemented in different operating system, wherein such implemented user interface would also include net browser.

As per claims 4-6, Van Huben anticipated unique identifier for each client/server, and data encoded for CRC or for checksum as claimed.

As per claim 7, Van Huben anticipated time stamp to process work load for client/server station as claimed.

As per claim 8, Van Huben anticipated process prioritized for scheduling.

As per claim 9, Van Huben anticipated transmitting design data to clients which would include form structure data, accepting the structure data, simulating the design data, and synthesizing the design according to design data flow.

As per claim 10, due to the similarities of claim 10 to claim 1 as well anticipated by Van Huben; therefore, claim 10 is also rejected under the same rationale as set forth.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Patent no. 5,812,130, issued to Van Huben et al., Sept. 1998
2. Patent no. 5,892,900, issued to Ginter et al., Apr. 1999
3. Patent no. 6,094,654, issued to Van Huben et al., July 2000

4. Patent no. 6,101,489, issued to Lannert et al., Aug. 2000
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is (703) 305-3812.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

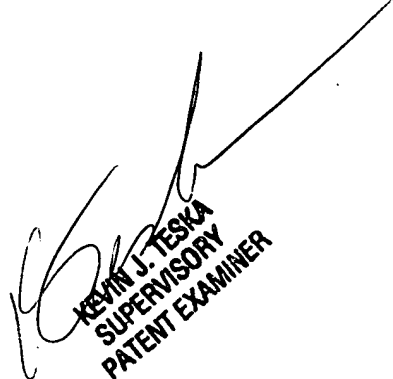
(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-1396 (for informal or draft communications, please label "PROPOSED"
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

September 24, 2001


KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER

Attachment for PTO-948 (Rev. 03/01, or earlier)
6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.